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**OCT 15 2004**

# Fax

To: Examiner D. Shay

From: Sanjay Bagade

Broncus Technologies Inc.

Fax: (703) 872-9306

Date: October 15, 2004

Phone: (703) 308-2215

Pages: 9 (including cover)

Re:

## OFFICIAL FILING

Application No.: 10/633,902

Examiner: D. Shay

Art Unit: 3739

In re application of: Joel D. Cooper et al.

Filed: 08/04/2003

For: METHODS FOR TREATING CHRONIC OBSTRUCTIVE  
PULMONARY DISEASE

Attorney Docket No.: E-001-004

Comments:

Papers enclosed herewith:

1. Transmittal - 1 page
2. Fee transmittal + duplicate - 2 pages
3. Preliminary amendment - 5 page

PTO/BB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 9

Application Number 10/633,802

Filing Date 08/04/2003

First Named Inventor Joel D. COOPER

Art Unit 3739

Examiner Name D. Shay

Attorney Docket Number E-001-004

**ENCLOSURES (Check all that apply)**☒ Fee Transmittal Form (in duplicate)☐ Fee Attached☒ Amendment/Reply (5 pages)☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/Incomplete Application☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation☐ Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD

Remarks

☐ After Allowance Communication to TC☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s) (please identify below):

1. fax cover sheet (1 page)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name Broncus Technologies, Inc.

Signature 

Printed name Sanjay S. Bagade

Date 10/15/2004

Reg. No. 42,280

**CERTIFICATE OF TRANSMISSION/MAILING**

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Typed or printed name Christopher Willink

Date 10/15/2004

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PTO/SB/17 (10-04v2)

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**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 27

**Complete if Known**

Application Number	10/833,902
Filing Date	10/15/2004
First Named Inventor	Joel D. COOPER
Examiner Name	D. Shay
Art Unit	3739
Attorney Docket No.	E-001,004

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
502709

Deposit Account Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$ 0</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
23	-20** = 3	9	27
1	-3** = 0	0	0
Multiple Dependent			0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$ 27

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0**SUBMITTED BY**

Name (Print/Type) Sanjay S. Bagade

Registration No. (Attorney/Agent)

42,280

(Complete if applicable)

Telephone 650-428-1600

Signature

Date

10/15/2004

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PTO/SB/17 (10-04v2)

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First Named Inventor	Joel D. COOPER
Examiner Name	D. Shay
Art Unit	3739
Attorney Docket No.	E-001-004

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SUBTOTAL (3) (\$ 0)

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By

  
Christopher Willink

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**OCT 15 2004**

Application No.: 10/633,902

Confirmation No. 3792

Applicant: Joel D. COOPER et al.

Filed: 08/04/2003

Art Unit: 3739

Examiner: D. Shay

Docket Number: E-001-004

Customer Number: 36,544

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

### PRELIMINARY AMENDMENT

Sir:

**Amendment to the Claims begin on page 2 of this paper.**

**Remarks begin on page 5 of this paper.**